

# Exhibit 4

**S.L., ET AL. vs COUNTY OF RIVERSIDE, ET AL.**  
**Michael Walsh on 03/21/2025**

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA

3 --oOo--

4

5 S.L., a minor by and through the  
Guardian Ad Litem Kristine Llamas  
6 Leyva, individually and as successor-  
in-interest to JOHNNY RAY LLAMAS,  
7 deceased; V.L., by and through the  
Guardian Ad Litem Amber Snetsinger,  
8 individually and as successor-in-interest  
to JOHNNY RAY LLAMAS, deceased;  
9 and CAROLYN CAMPBELL, individually

10 Plaintiff,

11 v. Case No. 5:24-cv-00249-CAS-SP

12 COUNTY OF RIVERSIDE; and  
DOES 1-10, inclusive,

13

Defendants.

14 \_\_\_\_\_/

15

16 STENOGRAPHIC REPORTER'S TRANSCRIPT OF

17 DEPOSITION OF MICHAEL WALSH

18 FRIDAY, MARCH 21, 2025

19

20

21 Reported Stenographically by:

22 KIMBERLY D'URSO, CSR 11372, RPR

23 Job No. 00113800

24

25

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1 A. Case-by-case. And sometimes private venues  
2 don't allow weapons inside their venues, so we adhere to  
3 their rules.

4 Q. Okay. Have you discharged a weapon in your  
5 current position at any time?

6 MR. RAMIREZ: Objection as to relevance.

7 But you may respond "yes" or "no."

8 THE WITNESS: Other than in range training?

9 BY MR. LEVINE:

10 Q. Other than range training.

11 A. I have not.

12 Q. And then I think you said you were retired from  
13 the Riverside Sheriff's Department; is that correct?

14 A. That's correct, sir.

15 Q. Okay. What was your rank on the date of this  
16 incident?

17 A. I was a Sheriff's lieutenant.

18 Q. And did you have an assignment or position that  
19 was separate from your rank at the time?

20 A. I was assigned to our special enforcement  
21 bureau, and I was one of two lieutenants that oversaw  
22 our emergency services team, which is our SWAT  
23 personnel, our canine team, which includes not only  
24 apprehension dogs, but it includes bloodhound or  
25 tracking dogs, and then our bomb squad.

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1 Q. And were you the -- were Deputies Jimmie

2 McGuire and Sean Hubachek working with you on the date

3 of the incident?

4 A. They were, sir.

5 Q. Were they essentially a part of your team?

6 A. Yes.

7 Q. Were you their supervisor?

8 A. I'm their supervisor, but the sergeant is

9 generally under some circum- -- under most, not always,

10 but under most circumstances the team leader in charge

11 of tactics employed.

12 Q. As a lieutenant, were you senior to or a higher

13 rank than a sergeant?

14 A. Yes.

15 Q. So you essentially had some type of authority

16 over a sergeant as a higher-ranking deputy?

17 A. That is correct, sir.

18 Q. But despite you being the higher-ranking

19 deputy, the sergeant would have still been the team

20 leader; is that what you're saying?

21 A. Under most circumstances.

22 Q. How about under these circumstances?

23 A. Sergeant McFadden, which I'll sure we'll get to

24 later, he was actually leading the apprehension efforts

25 prior to the shooting.

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1     their weapons during this incident?

2           A.     Yes, sir.

3           Q.     Would that be Jimmie McGuire and Sean Hubachek?

4           A.     Yes, sir.

5           Q.     Do you know how many shots each of those  
6     deputies fired during this incident?

7           A.     I can give you an approximate, but I don't know  
8     the actual round count.

9           Q.     Sure. An approximate is fine. Let's start  
10    with Deputy McGuire.

11          A.     Six to eight.

12          Q.     And how about Deputy Hubachek?

13          A.     One to two, maybe three.

14          Q.     I'm sorry. I didn't --

15          A.     Maybe three. One, two, or three, maybe, for  
16    Hubachek.

17          Q.     But you never, as part of any sort of  
18    debriefing following this incident, gained specific  
19    understanding as to exactly how many shots each of these  
20    deputies fired?

21          A.     I did not.

22          Q.     During the incident, did you hear these shots  
23    while they were being fired?

24          A.     I did.

25          Q.     Did you have any understanding as to whether

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1 were you and your team essentially tracking Johnny Llamas  
2 to try to take him into custody?

3 A. We were.

4 Q. Was there a helicopter overhead during that  
5 approximate five- to ten-minute period, prior to the  
6 first shot?

7 A. Yes.

8 Q. Were you -- during that approximate five- to  
9 ten-minute period, prior to the first shot, were you  
10 receiving broadcasts from the helicopter, regarding  
11 Mr. Llamas's whereabouts and movements?

12 A. We were.

13 Q. Were you receiving those broadcasts over a  
14 police radio that you had?

15 A. Yes, sir.

16 Q. Was that radio attached to your uniform or on  
17 your person somewhere?

18 A. It was -- there's hearing -- there is a hearing  
19 device attached to my helmet, like ear cups that it  
20 comes through there.

21 Q. So you had essentially some kind of earpiece  
22 that the broadcast is being piped into your ear through?

23 A. Yes.

24 Q. And so you're hearing any broadcasts that are  
25 being made from the police helicopter as they're being

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1 made during that five- to ten-minute period?

2 A. Yes. I'm also hearing verbal announcements

3 from the helicopter, as well, because they have a PA --  
4 an audible PA system on the helicopter where they can  
5 make announcements to people on the ground.

6 Q. Okay. Are those verbal announcements separate  
7 from the broadcasts that you're hearing?

8 A. They are.

9 Q. In other words, the broadcasts are directed  
10 towards other law enforcement officers, whereas the  
11 verbal announcements over the PA are directed to people  
12 on the ground who may or may not be law enforcement  
13 officers?

14 A. That is correct, sir.

15 Q. Okay. Was it your understanding that the --  
16 well, let me back up.

17 During the five to ten minutes, approximately,  
18 prior to the first shots being fired, did you distinctly  
19 hear any of the PA broadcasts being made to the ground  
20 from the helicopter?

21 A. I did.

22 Q. Could you tell if they were being directed  
23 towards Mr. Llamas?

24 A. They were, sir.

25 Q. Okay. Were they essentially giving him

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1 directions or commands from the helicopter,  
2 instructions?

3 A. Commands, directly to him, yes. Correct.

4 Q. Could you hear what some of those were?

5 A. Based on my distance, some of it I couldn't  
6 discern, but then some of it was -- and I'm  
7 paraphrasing, of course, just, "You need to put the  
8 firearm down and surrender."

9 Q. Okay. And then I think we discussed that in  
10 addition to hearing those PA broadcasts, you're also  
11 hearing radio broadcasts through your earpiece, from  
12 officers or deputies who are in the helicopter?

13 A. That is correct, sir.

14 Q. Okay. And are they essentially sort of  
15 reporting Mr. Llamas's location to you and the other  
16 deputies who are on ground via the radio?

17 A. They are. In addition, it's corroborated by  
18 their positioning overhead, that you can see how they're  
19 oriented then. Using all five senses to include hearing  
20 and seeing, we could see the positioning of the  
21 helicopter overhead, and then their directed  
22 announcements, and then what's being broadcast via the  
23 police radio.

24 Q. Okay. So you're saying that there were  
25 multiple sources of information you had for where



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1 Mr. Llamas was at a given time during that five- to  
2 ten-minute period, both from what you're hearing over  
3 the radio as well as seeing the location of the  
4 helicopter overhead?

5 A. Correct.

6 Q. Just focusing on the information right now that  
7 you were getting over the police radio as opposed to the  
8 location of the helicopter, were you essentially being  
9 told over the radio that Mr. Llamas was proceeding  
10 northward in the direction of a street called  
11 River Road?

12 A. He was. That was part of his direction of  
13 travel, yes.

14 Q. Okay. Was there some other separate part of  
15 his direction of travel, prior to him reaching  
16 River Road to the south, during that five- to ten-minute  
17 period?

18 A. He was initially fleeing through -- this was a  
19 large open space, an open field, essentially open field,  
20 but there were structures on it. He was fleeing  
21 eastbound; and then it was more northeast; and then it  
22 was more oriented north, towards River Road.

23 Q. Okay. Understood.

24 During the period where he started proceeding  
25 northeast and then northward towards River Road, was

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1 there a period of time during that period where you're  
2 hearing broadcasts about his movement and locations, but  
3 you're not able to personally see him, yourself?

4 A. That is correct, sir.

5 Q. Okay. And then during that time when he's  
6 proceeding northeast and then northward toward  
7 River Road, but you can't personally see him, were you  
8 told by any radio broadcasts that deputies in the  
9 helicopter saw Mr. Llamas holding a gun to his own head?

10 A. Correct. And I believe -- I'm not sure if some  
11 of that radio traffic was coming from the deputies that  
12 were further east on River Road. I'm not sure what they  
13 could see at the moment, but I'm not -- I'm not sure --  
14 I'm not sure if that broadcast came -- it was a  
15 combination of broadcasts that came from the helicopter  
16 and others, as well.

17 Q. I understand. But either way, there's a period  
18 of time while he's heading northward towards River Road,  
19 where you can't, yourself, see him, but you're receiving  
20 information that he's moving northward and holding a gun  
21 to his head?

22 A. Yes.

23 Q. During that time --

24 (Reporter clarification.)

25 BY MR. LEVINE:

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1 Q. During that time before you saw him, while  
2 you're receiving this information that he is moving  
3 northward toward River Road, did you receive any  
4 information as to which hand he was holding the gun  
5 with, as he pointed it to his head?

6 A. I don't recall that descriptive of what hand it  
7 was in, but it was -- it wasn't -- the radio reports  
8 also indicated that the gun wasn't always oriented  
9 towards his head, but he was in -- just in possession of  
10 the weapon.

11 Q. So before you saw him, you were receiving  
12 information that at least part of the time he was  
13 holding the gun to his head, but may have been orienting  
14 it in other directions, too?

15 A. Correct.

16 Q. And at some point around when you were hearing  
17 this information, did you and some of the other deputies  
18 take a position on a portion of River Road, itself, that  
19 ran from east to west?

20 A. We did. We positioned ourselves west of where  
21 he was.

22 Q. Was there essentially -- at some point while  
23 he's moving north, did you have information that he was  
24 moving along a driveway that ran from south to north,  
25 toward River Road?

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1 A. Yes.

2 Q. Was your understanding that driveway was  
3 essentially perpendicular to River Road?

4 A. Yes, sir.

5 Q. And so you're saying that the position that you  
6 and some of the other deputies took on River Road was  
7 somewhere to the west of where that driveway would have  
8 intersected with River Road; is that right?

9 A. Yes.

10 Q. Do you have a time estimate for approximately  
11 how long before the first shot was fired it was, that  
12 you took that position to the west of the driveway on  
13 River Road?

14 MR. RAMIREZ: Vague and ambiguous as to time.

15 But if you understand, you may respond.

16 THE WITNESS: Probably by the time we actually  
17 got on River Road and stopped and exited our vehicles, it  
18 was probably five minutes or less until the  
19 deputy-involved shooting occurred.

20 BY MR. LEVINE:

21 Q. And at the time that -- were you in a vehicle  
22 when you arrived at that position?

23 A. I was, sir.

24 Q. Did you get out of that vehicle or exit that  
25 vehicle pretty soon after stopping in that position in

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1 your vehicle?

2 A. I did.

3 Q. And when you stepped out of the vehicle, could  
4 you see Mr. Llamas at that time?

5 A. Not at that very moment. And we positioned  
6 ourselves along the north curb line to maximize our  
7 visual acquisition of the mouth of that driveway.

8 Q. When you're standing there just after you've  
9 exited your vehicle, are you more or less facing to the  
10 east?

11 A. Yes, sir.

12 Q. And then at some point while you're positioned  
13 there facing to the east, sort of in the direction of  
14 that driveway that runs south to north towards  
15 River Road, at some point did Mr. Llamas come into view  
16 for you?

17 A. He did.

18 Q. Do you have a time estimate for how long it was  
19 between the time you stopped and exited your vehicle and  
20 when Mr. Llamas came into view from the south?

21 A. My best estimate is probably within a minute.  
22 Within a minute or two, tops.

23 Q. Do you, for example, have any estimate as to  
24 whether it was more or less than 30 seconds?

25 A. It may have been that short of a timeframe

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1 before he came into view.

2 Q. And when Mr. Llamas came into view, did you see  
3 him proceeding north from that driveway that was to the  
4 south of River Road?

5 A. I did.

6 Q. And was he essentially moving north at that  
7 time when you saw him come into view?

8 A. North, across River View [sic], from the south  
9 curb line to the north curb line.

10 Q. Okay. But just to clarify, I thought I heard  
11 you say "River View" right there. Is the street called  
12 "River Road" or "River View"?

13 A. River Road. I'm sorry.

14 Q. That's okay. I just want to make sure for the  
15 record that we have it straight.

16 And then just jumping ahead a little bit, when  
17 the deputy-involved shooting occurred, do you know what  
18 the actual address was of the property where that took  
19 place?

20 A. I do not.

21 Q. Okay. Do you know if it was at 22240  
22 River Road? Does that ring a bell for you, one way or  
23 the other?

24 A. That does sound -- that does sound accurate.

25 Q. Okay. Just one moment here.

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1 Just to kind of help get on the same page, I'm  
2 going to show an image on my computer here.

3 Can you see this image?

4 A. I can, sir.

5 Q. Does this appear to be a Google maps overhead  
6 view of the incident location?

7 A. It does, sir.

8 Q. Okay. And do you see what's marked as -- a  
9 street that's labeled as "River Road," running from east  
10 to west, along sort of the bottom third of this image?

11 A. I do, sir.

12 Q. Okay. And then do you see running from south  
13 to north, to the south of River Road, a driveway in the  
14 bottom third of this image?

15 A. I do, sir.

16 Q. Does that appear to be the driveway that  
17 Mr. Llamas was coming from when he first came into view  
18 for you while you were positioned on River Road?

19 A. I believe so.

20 Q. And then, essentially, directly across  
21 River Road, from the mouth of that southern driveway,  
22 does there appear to be another driveway to the north of  
23 River Road?

24 A. There does.

25 Q. And does that driveway -- is it your

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1 understanding that driveway is part of the property on  
2 which the deputy shooting occurred during this incident?

3 A. It looks like the property, yes.

4 Q. Okay. Do you see where, towards the top of  
5 this image, at least Google has labeled this property as  
6 being at the address 22240 River Road?

7 A. I see that, yes.

8 Q. Okay. Do you have any reason to doubt the  
9 accuracy that that is the address?

10 A. I do not, sir.

11 Q. Okay. You just don't have any independent  
12 knowledge to confirm or deny that that's the correct  
13 address?

14 A. It sounds correct, but I can't be absolutely  
15 certain.

16 Q. Okay. All right.

17 And just -- I'll go ahead and mark this  
18 overhead image as Exhibit 1.

19 (Exhibit Number 1 was marked.)

20 BY MR. LEVINE:

21 Q. I don't know that this is particularly  
22 important. I just wanted to make sure we're kind of on  
23 the same page talking about the geography here, and I  
24 thought this may be the easiest way to do it.

25 Okay. So -- one moment here.



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1 Q. Did the deputy who relayed this information to  
2 you say anything about whether he or she had had any  
3 communications with the individuals who were observed on  
4 the property at that time?

5 A. I don't recall if they ever had a conversation  
6 with those individuals.

7 Q. Okay. So your knowledge, as far as you know,  
8 essentially, the deputy, whoever it was, saw some  
9 individuals, but didn't necessarily say anything to them  
10 or hear them say anything to the deputy?

11 A. They may have. I just don't recall that part  
12 of the conversation.

13 Q. Okay. When Mr. Llamas was approaching  
14 River Road from the south and when he first came into  
15 your view, was it your understanding that he was moving  
16 northward along that driveway that we discussed that  
17 runs south to north, to the south of River Road?

18 A. That is correct, sir.

19 Q. And then when you first saw him, could you tell  
20 if he was still on that driveway or if he had already  
21 stepped out onto River Road itself?

22 A. I believe when we first saw him, his -- a  
23 portion of that driveway isn't visible. More or less  
24 than the last 1 percent of that driveway as it  
25 intersects with the asphalt is visual -- is -- is -- you

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1 can see it or view it from our position. So it's just a  
2 very small portion that you can't view.

3 Q. Right. I guess what I'm wondering is, when you  
4 first saw Mr. Llamas, could you tell if he was still on  
5 the driveway versus on River Road, itself?

6 A. I believe that he was in the driveway, but the  
7 last -- it had to be the last 5 or 10 feet of that  
8 driveway.

9 Q. Okay. So 5 or 10 feet away from the road, you  
10 mean?

11 A. Give or take, yes.

12 Q. And then when you first saw him at that time,  
13 approximately how far away was he from you?

14 A. Probably 30 to 40 yards, 50 tops, yards away.

15 Q. And at the time he first came into your view on  
16 River Road there, where were Deputies McGuire and  
17 Hubachek relative to your position?

18 A. They were -- I don't recall who was to my left  
19 or to my right, but they were nearby with their patrol  
20 cars, very close to me.

21 Q. Would you estimate that they were essentially  
22 the same distance away from Mr. Llamas at that time,  
23 more or less?

24 A. As I was?

25 Q. As you were, yes.

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1 A. Yes.

2 Q. At any time prior to you seeing Mr. Llamas come  
3 from the south, onto that driveway and then onto  
4 River Road, did you have any information that he had  
5 pointed a firearm at any person that day?

6 A. Prior to seeing him?

7 Q. Prior to seeing him, while you were on  
8 River Road there.

9 A. To my knowledge, he shot a police dog, but I  
10 couldn't tell you if the -- his intentions were to shoot  
11 us and the police dog got in the way. I don't know the  
12 answer to that question, because we couldn't see him at  
13 that point when that incident occurred, prior to the  
14 actual deputy-involved shooting.

15 Q. Okay. I guess I'm just wondering whether you  
16 had information that he had pointed a firearm at any  
17 human at any time that day before you saw him step out  
18 onto River Road?

19 A. That includes law enforcement, as well, I'm  
20 assuming?

21 Q. I think of law enforcement as humans, so, yes.

22 MR. RAMIREZ: I kind of like to think so.

23 THE WITNESS: Yeah.

24 BY MR. LEVINE:

25 Q. Certainly.

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1           A.    I can only assume that he did, based on dog  
2    positioning, and when he fired his weapon, and based on  
3    the sound of that -- that -- when we heard the gunfire.

4           Q.    When you heard that shot, could you see him?

5           A.    I could not see him.

6           Q.    Could you see his gun when you heard that shot?

7           A.    I could not see his gun.

8           Q.    Did you hear the shot, like, whistle past your  
9    ear or anything like that?

10          A.    It did whistle past us.

11          Q.    Do you have any sense of how far away the shot  
12    traveled past you? In other words, whether it was, you  
13    know, 1 inch away from you versus 20 or more feet away  
14    from you?

15          A.    I don't know.

16          Q.    Okay. So would it be fair to say that you  
17    don't -- you didn't know at that time whether, in firing  
18    that shot, he had pointed his gun at an officer, a human  
19    officer?

20          A.    Based -- I was basing that on not only sound,  
21    but the direction the dog entered the tree line. So the  
22    dog was entering from the direction we were looking.

23                So looking at this with, like, some -- I was  
24    deduct- -- I was using deductive reasoning, thinking of  
25    the dog, from our direction, and based on the sound

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1 rapport from the gunfire, it appeared to be coming in  
2 our direction.

3 Q. Okay. But so you -- based on just what you saw  
4 and heard, you didn't know for sure whether he was  
5 aiming the gun at any human at that time?

6 A. That's fair. Yes, sir.

7 Q. Was it -- did you gain some understanding at  
8 that time or shortly after that the -- a police dog had  
9 been shot?

10 A. Back to when we heard the gunfire?

11 Q. Yes.

12 A. We suspected it.

13 Q. Okay. When you were suspecting that the police  
14 dog had been shot at that time -- and I realize this is  
15 prior to the officer shooting that we've been  
16 discussing -- was it -- did you form the impression that  
17 he had been aiming his shot at the dog?

18 A. I hadn't formed that impression. It was either  
19 he was attempting to shoot us and the dog got in the  
20 line of fire, or he was intentionally shooting just the  
21 dog. I don't know the answer to that question.

22 Q. Okay. You didn't have any kind of hunch, or  
23 anything like that, as to whether he was aiming at the  
24 dog at that time?

25 A. I suspected that the dog got in the way his of

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1 asked you before the break was about the period of time  
2 leading up to when Mr. Llamas first came into your view  
3 from the south while you were on River Road.

4 Do you recall that?

5 A. I do, sir.

6 Q. So relatedly, at any time before you saw  
7 Mr. Llamas come onto River Road from the south, while  
8 you were positioned to the west on River Road, did you  
9 have information that Mr. Llamas had verbally threatened  
10 to harm anybody that day?

11 A. I did not have any information.

12 Q. And at that time, did you have any information  
13 that Mr. Llamas had physically harmed any human that  
14 day?

15 A. That day? No.

16 Q. After Mr. Llamas stepped out from the south  
17 onto River Road, did he essentially continue northward,  
18 going across River Road, towards the property to the  
19 north of the road, that we discussed earlier?

20 A. Yes.

21 Q. And at some point did he then move from the  
22 road onto the driveway of that property to the north?

23 A. He did.

24 Q. And was there a point, soon after he crossed  
25 from River Road onto the property to the north, where

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1 you lost sight of him again?

2 A. I did.

3 Q. So I'm just sort of focused on -- in my next  
4 few questions, on the period of time from when you first  
5 saw him come out from the south onto the driveway, right  
6 to the south of River Road, until the time he crossed  
7 and you lost sight of him to the north again.

8 Do you have that sort of interval in your mind?

9 A. I do.

10 Q. All right. So during that period, could you  
11 see if Mr. Llamas was holding a gun?

12 A. I could.

13 Q. Could you see with which hand he was holding it  
14 during that time?

15 A. It appeared to be the right hand.

16 Q. Was his -- given that you were to the west of  
17 him and he was moving from the south to the north, was  
18 his left side essentially facing you or exposed to you?

19 A. It was, but he was posturing slightly different  
20 as he crossed and traversed across the roadway, so I  
21 could see the firearm in the other hand.

22 Q. Okay. I see. Does that refresh your  
23 recollection as to he was holding it in his right hand?  
24 In other words, the hand that was on the other side of  
25 his torso from where you were?

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1 A. Yes.

2 Q. Could you see, during that time, whether he was  
3 holding a gun to his head?

4 A. At times, it did appear that he was holding the  
5 gun to his head.

6 Q. During that time, did you see him take the gun  
7 away from his head at any point?

8 A. I saw, more or less, the gun -- not necessarily  
9 take the muzzle away from his head, but drop his elbow,  
10 supporting the firearm, so the firearm was more pointed  
11 in an upward trajectory -- in an upward direction, if  
12 that makes sense?

13 Q. I think so. But was it your impression that  
14 when he dropped his elbow like that, that the muzzle of  
15 the firearm was still pointed generally towards his own  
16 head?

17 A. Based on my distance, yes, and what I could  
18 see.

19 Q. So, in other words, he continued to point -- as  
20 it appeared to you, he continued to point the muzzle of  
21 the gun towards his own head, from the time you first  
22 saw him at the south side of the road near the driveway,  
23 until the time you lost sight of him again to the north?

24 A. Yes.

25 Q. And so during that period, you didn't see him



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1 Q. When you saw him during that period holding the  
2 gun to his head, did you know whether or not he was  
3 suicidal?

4 MR. RAMIREZ: May call for speculation, and  
5 lacks foundation. May call for a medical opinion.

6 But you may respond.

7 THE WITNESS: I don't recall if he was  
8 suicidal, if that was your question.

9 BY MR. LEVINE:

10 Q. I guess I'm asking whether you had any  
11 knowledge as to whether he was suicidal or not at the  
12 time?

13 MR. RAMIREZ: Same objections as before.

14 But you may respond, if you can.

15 THE WITNESS: Other than pointing the firearm  
16 towards his own body, that would be our only indication  
17 that he is potentially suicidal, or doing that to provide  
18 a delay.

19 BY MR. LEVINE:

20 Q. Right. So it was at least a possibility in  
21 your mind?

22 A. It was possible, yes.

23 Q. But you didn't know for certain, one way or the  
24 other?

25 A. That's correct.

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1 Q. During the period of time when he's crossing  
2 from the south end of River Road to the north and onto  
3 the driveway where you lost sight of him, was the  
4 distance between you and him essentially the same  
5 throughout that period?

6 A. Yes, sir.

7 Q. In other words, he didn't move dramatically any  
8 distance further away from you or closer to you during  
9 that period?

10 A. That is correct.

11 Q. Do you have a time estimate for how long it --  
12 how much time passed from when you first saw him  
13 stepping out from that southern driveway onto River Road  
14 until the time that you lost the visual of him again as  
15 he went north onto the property, north of River Road?

16 A. A minute, maybe less.

17 Q. Okay. So as long as -- up to 60 seconds?

18 A. It may be slightly longer than 60, but I  
19 believe it was less.

20 Q. During that period, that interval from when you  
21 first saw him to the south and when you lost sight of  
22 him again to the north, did you hear Deputies McGuire or  
23 Hubachek issue any verbal commands to Mr. Llamas?

24 A. I don't recall them issuing verbal commands.

25 Q. Did you hear them say anything else besides

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1 efforts. They briefed us on the plan -- the tactile  
2 plan. And in addition to that, if we do make commands  
3 or make contact, does he speak English?

4 Q. So the source of information you had for  
5 Mr. Llamas speaking English was Sergeant McFadden?

6 A. And his case agent, I believe Deputy Devine.

7 Q. Okay. Had you ever heard Mr. Llamas speak  
8 prior to seeing him there on River Road?

9 A. I had not.

10 Q. And then, so we discussed at some point, I  
11 think you said that Mr. Llamas crossed River Road and  
12 went -- proceeded northwards, and you lost sight of him;  
13 is that correct?

14 A. That's correct.

15 Q. Was it your understanding at that time that he  
16 had moved onto that property that was to the north of  
17 River Road at -- I think it was 22240?

18 A. That is correct.

19 Q. And at that point, did you and the other  
20 deputies you were with move up closer to the driveway  
21 leading onto that property?

22 A. We did.

23 Q. Did the three of you move up together, more or  
24 less?

25 A. Yes, sir.

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1 Q. Were you -- when you covered that distance from  
2 where you had positioned to get closer to the driveway  
3 to the north, were you in your vehicle or on foot?

4 A. I was in my vehicle.

5 Q. How about Deputies McGuire and Hubachek; were  
6 they on foot or in a vehicle?

7 A. Sergeant Hubachek and Deputy McGuire were  
8 on-foot.

9 Q. Okay. Were they more or less keeping pace with  
10 you in covering that distance while you were in your  
11 vehicle and they were on foot?

12 A. Yes. I was more or less keeping pace with  
13 them.

14 Q. Okay. You didn't want to speed off and leave  
15 them eating your dust?

16 A. No, sir.

17 Q. And then when you -- when -- at some point you  
18 stopped your vehicle again, I take it?

19 A. Yes, sir.

20 Q. Were you pretty much at the level of the  
21 driveway when you stopped?

22 (Reporter clarification.)

23 THE WITNESS: The driveway to the north. I did  
24 pull my vehicle into a portion of the mouth of the  
25 driveway.

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1 BY MR. LEVINE:

2 Q. Okay. So did you make something of a partial  
3 left turn, then, so that you're partially in the mouth  
4 of the driveway? Is that accurate?

5 A. Yes, sir.

6 Q. So would your vehicle, then, have been facing  
7 essentially to the northeast, more or less, at that  
8 time?

9 A. That would be accurate, yes.

10 Q. Okay. When you stopped your vehicle there, did  
11 you exit the vehicle again?

12 A. I did.

13 Q. At the time you exited your vehicle, did you  
14 regain sight of Mr. Llamas to the north?

15 A. I did.

16 Q. Was that while you were still in your vehicle  
17 or after he stepped out that you saw him again for the  
18 first time?

19 A. It was after I stepped out and regained visual  
20 acquisition, after losing him entering the property.

21 Q. Do you have a time estimate for how much time  
22 passed between when you lost sight of him, when he  
23 proceeded northward onto that property, until you  
24 regained sight of him after stepping out of your  
25 vehicle, after you drove forward?

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1 A. I would say approximately 30 seconds, give or  
2 take.

3 Q. And then after you stepped out of your vehicle  
4 again, near the mouth of that driveway, to the north,  
5 and regained a visual of Mr. Llamas, how far away was he  
6 from you?

7 A. About 40 or 50 yards.

8 Q. Would you say that it was a comparable distance  
9 to how far away he had been from you when you had been  
10 further to the west on River Road and first saw him come  
11 out from the driveway to the south?

12 A. Similar, yes.

13 Q. Do you have any -- scratch that.

14 When you saw him to the north again after you  
15 exited your vehicle at that driveway, could you see the  
16 gun?

17 A. I could see the firearm, yes.

18 Q. Was he still holding it in his hand?

19 A. Yes.

20 Q. Was he still holding it in his right hand?

21 A. It appeared so, yes.

22 Q. Was he still holding it to his head?

23 A. No, sir.

24 Q. How was he holding it?

25 A. Well, as he was running -- because he was

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1 moving, the pistol was -- this is just prior to the  
2 deputy-involved shooting. The pistol was moving in more  
3 or less three dimensions, including pointing -- at some  
4 point, it looked like it was pointing up towards the  
5 helicopter, towards the people that were occupying the  
6 residence at 22240, potentially oriented towards us, the  
7 three of us. And then there were deputies to the east  
8 of the mouth of that driveway on River Road. And at  
9 some point, it even appeared it may have be oriented in  
10 the their general direction.

11 Q. So my question is just really about when you  
12 first -- that moment when you first saw him again, after  
13 you stepped out the your vehicle and regained visual  
14 contact.

15 Do you have that moment in mind?

16 A. I do.

17 Q. And at that time, could you tell how the  
18 firearm was positioned in his hand?

19 A. It looked like it was in his right hand. And  
20 again, he was moving -- moving with -- moving fast, like  
21 he had a purpose, and that firearm was -- in fractions  
22 of a second, the muzzle was passing people near the  
23 residence, coming in our general direction, moving  
24 towards the sky above.

25 Just as he was moving and driving his arms,

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1 what his intention was, I don't know, but...

2 All that happened very, very fast, as you can  
3 imagine, in moving fast.

4 Q. How much time passed from when you first  
5 regained the visual of Mr. Llamas again, to the north of  
6 River Road, and when the first shot was fired by a  
7 deputy?

8 A. Probably under ten seconds by the time I saw  
9 him, more or less --

10 (Simultaneous speakers.)

11 BY MR. LEVINE:

12 Q. I'm sorry.

13 A. More or less. I'm sorry.

14 Q. During that period between when you regained a  
15 visual of Mr. Llamas and the first deputy's shot was  
16 fired, do you at any time see him holding the gun to his  
17 head?

18 A. I did not.

19 Q. So during that approximately ten seconds, the  
20 gun was in -- you saw the gun positioned in lots of  
21 different ways, besides being held to his head, but you  
22 did not see it held to his head?

23 A. That is correct.

24 Q. Did you feel at the time that you had a  
25 relatively clear view of Mr. Llamas and of the gun?



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1 A. I did.

2 Q. When you first saw Mr. Llamas after regaining a  
3 visual of him while he's on that driveway, was his back  
4 towards you?

5 A. A portion of it, more or less; his oblique.

6 Q. Could you explain what you mean? Was it the  
7 left or right oblique, for example?

8 A. It appeared to be, like, the left oblique, as  
9 like, he was as he was rotating his torso towards --  
10 starting from the north, rotating it towards the west,  
11 and then rotating it towards the south.

12 Q. So he appeared to be turning left?

13 A. Turning his torso. Not necessarily his hips,  
14 but his torso.

15 Q. His torso?

16 A. Or a portion of his flank.

17 Q. How about his hips? Were his hips facing more  
18 or less to the north still?

19 A. His hips -- based on the way that driveway  
20 slightly curves, it was -- his hips appeared to be  
21 oriented towards the north, northeast and northwest.

22 Q. So his hips were continuing to be oriented up  
23 the driveway; is that accurate?

24 A. I'm sorry. I'm sorry. Yes.

25 Q. And were -- how about his legs? Did he -- were

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1 his legs -- was he still moving forward up the driveway,  
2 walking, or trotting, or however you put it?

3 A. Running. And, yes, up the driveway.

4 Q. Okay. So it was his torso and upward that  
5 appeared to be turning to the left at that time?

6 A. Yes, sir.

7 Q. And then after seeing him -- as you saw him  
8 turn to the left, turn his torso to the left, did you  
9 see him, like, look over his shoulder with his head?

10 A. He appeared to be -- yes. It appeared to be he  
11 was looking -- not necessarily completely over his  
12 shoulder, but over a portion of his shoulder --

13 Q. In addition to turning his torso to the left,  
14 he turned his head to the left, too?

15 A. Looking to move his head to the left. And I'm  
16 not sure if he was looking for us in the helicopter or  
17 both.

18 Q. Did you see him look up at that time?

19 A. Not necessarily his head moving up, but I  
20 couldn't tell you if his eyes were moving up, based on  
21 the distance we were at.

22 Q. Did you see his face at that time?

23 A. Saw glimpses of it, because the lighting and  
24 distance. But I did see portions of his face -- like,  
25 the left side -- sorry -- the left side of his face.

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1 Q. When you saw the left side of his face, was it  
2 kind of in profile, like you're seeing the left side of  
3 his only?

4 A. Generally, yes, the profile of it, the left  
5 side.

6 Q. At any the between when you first regained the  
7 visual of Mr. Llamas again, to the north of River Road  
8 and when the first shot was fired, could you ever see  
9 enough of his face that you could see both of his eyes?

10 A. I don't recall seeing both of his eyes or a  
11 portion of it.

12 Q. And then you've been describing how when you  
13 first saw him after regaining the visual of him, his  
14 hips and legs were oriented up the driveway still, to  
15 the north or northeast, and he's kind of turning his  
16 torso and shoulders and head to the left.

17 After you saw him turning his torso and  
18 shoulders that way, did you ever see him then turn back  
19 to face forward again, prior to the shots being -- the  
20 first round of shots being fired?

21 A. I don't recall his torso reorienting towards  
22 the north. His hips and his legs were, because he was  
23 moving in that direction. But you can only turn so far  
24 to the left with the torso when the hips are driving in  
25 another direction.

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1 But I don't recall him trying to reset and  
2 almost position his entire body going north again.

3 Q. So was he essentially still in that position  
4 where his hips are facing forwards, but his torso, head,  
5 and shoulders are turned to left when the first deputy's  
6 shot was fired?

7 A. Turned or turning to the left.

8 Q. Okay. But I guess part of what I'm asking,  
9 too, is there was a single position. So essentially  
10 you're saying that when you regained a visual of  
11 Mr. Llamas to the north, he is already in the process of  
12 starting to turn to the left, and he's still in that  
13 left turning motion when the first shots are fired;  
14 correct?

15 A. That's the best of my recollection, yes.

16 Q. Okay. And during that period between when you  
17 first regained a visual of him and heard the first  
18 deputy's shots fired, you never saw a gun held to his  
19 own head during that time; correct?

20 A. Correct.

21 Q. And, in fact, you could tell that the gun was  
22 not to his head at any point during that time; correct?

23 A. Yes, that is correct.

24 Q. When the first shot from a deputy was fired at  
25 that time, could you tell which deputy it was who fired

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1 that first shot, McGuire or Hubachek?

2 A. My best estimate would have been  
3 Sergeant Hubachek, because he was -- Deputy McGuire was  
4 to my left and Sergeant Hubachek was to his left.

5 Q. Okay. And let me ask you about that.

6 So when you stepped out of your vehicle again,  
7 just -- and then regained a visual of Mr. Llamas as he's  
8 proceeding north on that property to the north of  
9 River Road, what's the -- what are the positions of the  
10 other deputies relative to you? Are you basically kind  
11 of a in a line, left to -- right to left, or describe  
12 that for me, if you would?

13 A. As I get out of my vehicle, they're more or  
14 less oriented to the left of my left headlight, with --  
15 in line with one another, almost not quite shoulder to  
16 shoulder, but their shoulders are in line with one  
17 another.

18 And Sergeant Hubachek is to the left as I'm  
19 looking at them. I'm looking at their backs now, and  
20 Deputy McGuire is to his right. And I positioned myself  
21 to the right of Deputy McGuire, putting McGuire to my  
22 left and Hubachek to his left.

23 Q. Okay. So after you positioned yourself to the  
24 right of Deputy McGuire, the three of you are basically  
25 in a line of the three of you, where you're on the

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1 right, and then to your left is McGuire, and to his left  
2 is Hubachek; is that correct?

3 A. Correct, sir.

4 Q. And when the first shot was fired by one of  
5 those deputies, were you already in that position in a  
6 line there, where you're to the right of Deputy McGuire?

7 A. I believe I was just getting to my -- for lack  
8 of a better term -- position, to Deputy McGuire's right  
9 when that shot -- when the shots began.

10 Q. Okay. But you could -- you still had a visual  
11 of Mr. Llamas throughout that time, when you're moving  
12 from behind the two officers to that position to the  
13 right of Deputy McGuire?

14 A. My truck was slightly to their right. So as I  
15 exited my vehicle, as we were discussing, I exited --  
16 when I exited, they weren't necessarily obstructing my  
17 view, because of my vehicle positioning versus their  
18 positioning. But to get to their right, I had to move  
19 slightly right of them, because now we were standing in  
20 front of -- essentially standing in front of my truck,  
21 or at least the left portion of it.

22 Q. Right. I understand that. I guess I'm just  
23 asking whether during that time when you're getting into  
24 that position to the right of Deputy McGuire, and that  
25 sort of line we discussed, while you're moving into that

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1 position, are you maintaining visual contact of  
2 Mr. Llamas throughout that time?

3 A. Yes, sir.

4 Q. And that's the same time as we discussed where  
5 you're describing seeing the -- him pointing the gun in  
6 various directions and turning his torso and shoulders  
7 and head towards the left?

8 A. Yes, sir.

9 Q. And when the first shot was fired, how far away  
10 was Mr. Llamas from where you and the other deputies  
11 were?

12 A. 40 to 50 yards.

13 Q. And when that first shot was fired, was  
14 Mr. Llamas still kind of twisted in that left position  
15 where his torso and shoulders and head are facing to the  
16 left?

17 A. That's what I saw; yes, sir.

18 Q. If -- thinking about, like, the hands on a  
19 clock, where if Mr. Llamas was facing the exact same  
20 direction you were, such that his head -- the back of  
21 his head was exposed to you, and that would be 12:00  
22 o'clock, what position on the clock was his head angled  
23 at when the first shot was fired?

24 A. To the best of my recollection, it was probably  
25 oriented towards 9:00, 10:00 o'clock.

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1 Q. Okay. So either directly to his left or  
2 slightly forward, relative to that?

3 A. Yes.

4 Q. Okay. At the time that first shot was fired,  
5 did you know whether there were any people to  
6 Mr. Llamas's left?

7 A. When that first -- well, we had knowledge, that  
8 we previously discussed, that there were residents at  
9 that home. And then once the subject was -- these  
10 folks -- once the subject was down and we could expand  
11 our visual acuity of the entire field in front of us,  
12 you could see the folks outside their home.

13 Q. So you saw them there after all the shots were  
14 fired?

15 A. That would be fair to say.

16 Q. And I think you said earlier that there was a  
17 period of approximately one hour from when you had first  
18 heard that there were people seen there until the  
19 shooting; is that accurate?

20 A. I believe you're talking hour, hour and a half,  
21 somewhere in there.

22 Q. Hour, hour and a half? Okay.

23 Did you -- during that interval of an hour or  
24 an hour and a half when you got that information and  
25 when the shooting occurred, did you gain any information



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1 as to whether they were still on the property or had  
2 left the property, those people?

3 A. I did not have information either way, whether  
4 they had left the property or whether they were still  
5 present.

6 Q. Or whether they had remained on the property,  
7 but moved to a different location on the property?

8 A. That's correct.

9 Q. And I think you said that you thought that the  
10 first shot was fired by Deputy Hubachek; is that  
11 correct?

12 A. Sergeant Hubachek, yes. I believe he was the  
13 first.

14 Q. Excuse me. Sergeant Hubachek.

15 And I think you said that that was because he  
16 was opposite Deputy McGuire from you, and so was a  
17 little further away. Is that accurate?

18 A. Based on the audio or the report of the rifle.

19 Q. In other words, you formed that impression  
20 because it sounded like -- the sounds of the rapport of  
21 his rifle was a little further away than the rapport  
22 would have been if it was coming from Deputy McGuire's  
23 rifle?

24 A. Yes, sir.

25 Q. Okay. Did you hear -- within a few seconds of

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1 you heard and saw at that time, that both of those two  
2 deputies were firing during the first volley?

3 A. Yes.

4 Q. In the ten seconds, let's say, prior to the  
5 first volley of shots fired by Deputy McGuire and  
6 Sergeant Hubachek, did you hear either of those deputies  
7 issue any verbal commands to Mr. Llamas?

8 A. I did not.

9 Q. During that time, that ten seconds before the  
10 first volley of shots was fired, did you hear either of  
11 the deputies issue any verbal warning to Mr. Llamas that  
12 they would shoot him?

13 A. I did not.

14 Q. Prior to that first volley of shots being  
15 fired, had you ever seen Mr. Llamas point that gun at  
16 any human, other than himself?

17 A. Prior -- just prior to the shooting?

18 Q. Prior to the first volley of shots.

19 A. Just prior -- if we're talking just seconds  
20 prior -- I'm not sure of the time frame we're speaking  
21 of.

22 Q. At any time in your life, prior to the first  
23 volley of shots.

24 A. Other than just prior to the shots, that was  
25 the only time I had seen the firearm pointed in a

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1 different direction, other than his head, that is.

2 Q. Right. I guess I'm asking -- my question is  
3 just a little different, and maybe I asked it poorly.  
4 I'm sorry, if I did.

5 I'm wondering whether prior to the moment you  
6 heard the first deputy's shot being fired toward  
7 Mr. Llamas, had you ever seen Mr. Llamas point that gun  
8 at any human being?

9 A. I had not. Including law enforcement, I  
10 assume, because we're humans, I had not.

11 Q. Yes, definitely including law enforcement being  
12 humans, unless have you some secret you're holding out  
13 on me with. I'll remind you you're under oath.

14 A. No, sir. I'm a human.

15 Q. And prior to the -- excuse me -- prior to that  
16 first volley of shots being fired, had you ever seen --  
17 excuse me -- had you ever heard Mr. Llamas make any  
18 verbal threats to anybody?

19 A. I had not.

20 Q. Prior to that first volley of shots being  
21 fired, had you ever witnessed Mr. Llamas physically harm  
22 any human, including officers?

23 A. Only what we discussed earlier, where he was  
24 maybe attempting to harm us by shooting towards us, but  
25 the dog was in the line of fire, or it was his intent to

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1 just shoot the dog. I don't know the answer to that  
2 question.

3 Q. When that earlier shot that you're describing  
4 was fired, was any human struck by it?

5 A. No humans were struck by it.

6 Q. So, yeah, my question is really limited to  
7 whether you had seen Mr. Llamas physically harm any  
8 human prior to the first volley of the deputies' shots  
9 being fired?

10 A. No, sir.

11 Q. Have you ever personally been on that property,  
12 prior to entering the driveway area a few seconds before  
13 the first volley of shots were fired?

14 A. I had -- no, I had not. I had not personally  
15 been there.

16 Q. When you first saw Mr. Llamas from that  
17 position at the mouth of the driveway, while he's still  
18 moving north, running north, as I think you said, and  
19 starting to turn to the left -- I know you said it was a  
20 fluid motion -- but at the point he's starting that  
21 turn, do you think that it would have been appropriate  
22 to shoot him at that time, just for running away?

23 A. Just for running away? Not necessarily. Not  
24 absolute, but not necessarily. But the position of the  
25 firearm, yes.

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1 evidence.

2 But you may respond, if you can.

3 THE WITNESS: If he's running towards what I  
4 have knowledge of is an occupied dwelling where there's  
5 other people that he's potentially putting in grave  
6 danger, based on distance, terrain, obstacles between him  
7 and them, it could be a justified shooting; versus him  
8 running into open space and we're at distance, and we  
9 have cover, it may not be applicable under those  
10 circumstances.

11 I bring in the third party as some of the --  
12 not all, but some of the deciding factor.

13 BY MR. LEVINE:

14 Q. Did you -- and I know you mentioned that you  
15 had some information from an hour or an hour and a half  
16 earlier that there was some other individuals on the  
17 property, essentially to the left or the west of  
18 Mr. Llamas's position when the first shots were fired;  
19 is that correct?

20 A. That's correct.

21 Q. Did you also have any information that there  
22 were any individuals on the property to his north?

23 A. I didn't have information whether there were or  
24 were not people to the north.

25 Q. Okay. So for all you knew, the only people on

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1 the property, other than him, were possibly those two  
2 who were to his west, assuming they were still on the  
3 property and in that same location; correct?

4 A. Correct.

5 Q. Okay. So I guess, you know, going back to my  
6 hypothetical, he's got his -- he's located in the same  
7 place, in terms of where his feet are, as he was when  
8 you saw him, except again his back is to you, the gun is  
9 to his head, he's still running northward or forward  
10 along that driveway, which I guess you said was maybe a  
11 bit more northeast than north. You would believe that  
12 you would have been justified if you had shot him at  
13 that time, under those circumstances, based on him  
14 running forward along the driveway?

15 MR. RAMIREZ: Incomplete hypothetical. Assumes  
16 facts not in evidence. Misstates the prior testimony of  
17 the witness.

18 However, you may respond, if you can.

19 THE WITNESS: Is the -- the hypothetical you're  
20 proposing, is there a third-party residence involved?

21 BY MR. LEVINE:

22 Q. The information that you have about  
23 third-parties is the same as the information you had at  
24 the time of this actual incident. The only difference  
25 in my hypothetical versus what you've testified to

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1 already is the positioning of Mr. Llamas's body.

2 A. It may be applicable and it may not be. For  
3 me, personally, I may not have sought lethal force as  
4 the option at that very moment, based on my distance,  
5 his posture, his orientation, and the available cover to  
6 us, based on that change, where the firearm positioning  
7 was.

8 Q. And why do you think you would not have fired  
9 under those circumstances, under my hypothetical?

10 A. Believing that his attempt was just not to --  
11 not necessarily to do harm to others, but it gives the  
12 appearance that his attempt is just to flee. But in the  
13 actual circumstances, there was two intentions, in my  
14 mind: The intention to flee and the intention to maybe  
15 do harm at the -- at the same time, in order to  
16 facilitate his escape.

17 Q. Okay. So as I understand it, again, under my  
18 hypothetical -- I realize that you're testifying that  
19 you saw something different happen that day. But under  
20 my hypothetical, you're saying that if his only apparent  
21 intention was to flee, as demonstrated by his back  
22 remaining toward you and the gun remaining to his head  
23 as he's running northward or northeastward, you would  
24 not have felt it was appropriate to shoot under those  
25 circumstances, based only on him fleeing?

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1 MR. RAMIREZ: Objection. Incomplete

2 hypothetical. Lacks foundation. Assumes facts not in

3 evidence.

4 (Reporter clarification.)

5 MR. RAMIREZ: He may respond, if he can.

6 THE WITNESS: I'm not saying I wouldn't

7 absolutely not deploy lethal force, but it -- again, it's

8 hard on the hypothetical if you're not smelling it,

9 tasting it, touching it, and feeling it all at the same

10 time at that time of day and seeing that may change my

11 course of action. Not necessarily everybody else's, but

12 again, my course of action.

13 But I can't give you an absolute that I would

14 do this and I would not do that kind of thing, if that

15 makes sense?

16 BY MR. LEVINE:

17 Q. Do you think that, under my hypothetical, it

18 would be appropriate to shoot him for running away,

19 based on the knowledge you had at the time, including

20 having no information that there was anybody to his

21 north on that property?

22 MR. RAMIREZ: Same objections.

23 But you may respond.

24 THE WITNESS: It could. You could deploy

25 lethal force under some circum- -- depending on -- again,



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1 the pistol orientation is to his head. But the slight  
2 movement of the pistol, whether forward or backward of  
3 his head, put people -- if they're to his west and he's  
4 running to his north, and the pistol muzzle is pointed on  
5 the right side of his head, which is in a westerly  
6 direction, just a slight movement of the pistol could put  
7 people in grave danger that are at that address of 22240.

8 And if I can see that or discern that occurring  
9 or even understand that's likely to occur, based on  
10 movement, then the application of lethal force could be  
11 justified under those circumstances.

12 BY MR. LEVINE:

13 Q. Okay. Let's assume that under my hypothetical  
14 you cannot discern such movement, and it appears that  
15 the muzzle of the pistol is remaining more or less fixed  
16 at his -- the side of his head. Does that change  
17 anything in your response?

18 MR. RAMIREZ: Same objection.

19 But you may respond.

20 THE WITNESS: I might pursue him -- physically  
21 pursue him a little bit longer before -- but lethal force  
22 is still an option that could be deployed, but I may  
23 pursue him a little bit further.

24 BY MR. LEVINE:

25 Q. Under my hypothetical, do you think that you

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1 would have been justified in shooting Mr. Llamas at that  
2 time, based on your belief that he had shot a police dog  
3 earlier that day?

4 MR. RAMIREZ: Same objections.

5 But you may respond, if you can.

6 THE WITNESS: The police dog being shot doesn't  
7 necessarily have any bearing on the application of my use  
8 of force, but it does -- does lend to the fact that  
9 there's also violent behavior, whether it's towards  
10 animal or human, for that matter. And the dog is  
11 obviously a police dog with labeling on his collar.

12 But it just shows -- for me, it illustrates  
13 intention -- some intention by the subject. So I  
14 wouldn't necessarily say I would just dismiss the  
15 information, but it wouldn't -- it would be part of my  
16 decision.

17 But I'm going to still continue to pursue the  
18 subject a little bit longer, based on what you describe  
19 as the "orientation of the pistol."

20 BY MR. LEVINE:

21 Q. You've received some training during your  
22 career from the Riverside Police Department; correct?

23 MR. RAMIREZ: Objection. He doesn't work for  
24 Riverside Police Department.

25 BY MR. LEVINE:

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1 Q. Excuse me. From the Riverside Sheriff's  
2 Department?

3 A. Yes, sir.

4 MR. RAMIREZ: They're two rivalries. I want to  
5 make sure we get it right.

6 MR. LEVINE: I'm sorry. I misspoke.

7 BY MR. LEVINE:

8 Q. Based on your training and experience, is a  
9 police dog or a canine considered a type of less lethal  
10 weapon?

11 A. It is.

12 Q. Is a police dog or a canine considered  
13 essentially a tool that deputies have at their disposal?

14 A. It is considered a tool, yes.

15 Q. Is a police dog or canine considered essential,  
16 even though it's a dog, a type of physical property?

17 A. It's property of the Sheriff's Department. You  
18 are correct.

19 Q. Okay. Did you fire your weapon at all during  
20 this incident?

21 A. I did not.

22 Q. And when you saw, as you say, Mr. Llamas again,  
23 after regaining a visual of him, and you saw him turning  
24 to the left and manipulating his weapon in the same  
25 direction, why did you not fire at that time?

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1 Q. How about his legs or his feet?

2 A. His feet, if I recall, were -- the bottom of  
3 his feet were more or less pointed in a southeasterly  
4 direction or more to the east.

5 Q. Could you tell if his -- when he fell, was his  
6 body sort of extended, or was he curled up to some  
7 degree or twisted around or -- what position was his  
8 body in, generally, as far as you could tell?

9 A. Extended, but not -- maybe his knees slightly  
10 bent.

11 Q. When he went to the ground after that first  
12 volley of shots, was he further away from you than he  
13 had been when the first shot was fired?

14 A. Probably a couple of feet, or, if not, a couple  
15 of yards further.

16 Q. And that would be further to the north or the  
17 northeast?

18 A. Yes, sir.

19 Q. After the first volley of shots was fired, did  
20 you hear another deputy say, "Hold, hold, hold"?

21 A. I did hear someone yell, "Hold, hold, hold."

22 Q. Did you know who that was at the time who said  
23 that?

24 A. I did not.

25 Q. As you sit here today, do you know who that was

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1 that Deputy McGuire gave or heard him say anything to  
2 indicate that he thought you were kind of essentially  
3 saying, "Why are you still shooting?" when you said,  
4 that? That that's what he understood you to mean?

5 A. No, sir.

6 Q. Had you and Deputy McGuire been working  
7 together for a long time prior to this incident?

8 MR. RAMIREZ: Vague and ambiguous as to the  
9 term "long time."

10 But you may respond.

11 THE WITNESS: Yes, since he, more or less, came  
12 on the SWAT team.

13 MR. LEVINE: And I think your attorney was  
14 right that that was a vague question.

15 BY MR. LEVINE:

16 Q. How long, approximately, had you been working  
17 together by that point?

18 A. Year and a half, maybe.

19 Q. Okay. Had you had a lot of operations together  
20 out in the field where you're communicating with one  
21 another verbally?

22 A. Yes.

23 Q. And based on that experience that you had  
24 together, did you feel like you could understand what he  
25 meant when he said certain things to you, based on the

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1 intonation or tone in his voice?

2 A. Yes.

3 Q. And did you have the impression that he felt  
4 the same way about you?

5 A. Yes.

6 MR. RAMIREZ: May call for speculation.

7 But you may respond.

8 THE WITNESS: Yes.

9 BY MR. LEVINE:

10 Q. Before the first and second volleys of shots  
11 being fired, did you hear Deputies McGuire or Hubachek  
12 issue any verbal commands?

13 A. I did not.

14 Q. During that time, did you hear them issue any  
15 verbal warnings that they were going to shoot?

16 A. No, sir.

17 MR. LEVINE: I think it might be a good time  
18 for our next break, and I think this might be the last  
19 one, at least for me. I don't have a ton left, but I've  
20 got a little bit, and I just want to go over my notes.

21 So would another ten minutes be good for  
22 everybody?

23 MR. RAMIREZ: That's fine.

24 MR. MARKS: Sure.

25 MR. LEVINE: Sounds good.

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1 Q. Did you ever form any impression that

2 Mr. Llamas had fired his weapon at any time while on

3 that driveway to the north of River Road?

4 A. Not that I'm aware of.

5 Q. Did you ever learn afterwards that he had fired

6 his weapon at any point during that time?

7 A. I never actively pursued the information, but I

8 believe that he never fired it.

9 Q. Okay. Was there -- when -- from the time that

10 you and Deputies Hubachek and McGuire are taking the

11 position on River Road, to the west of those two

12 driveways we discussed earlier, from around that period

13 until the time of the shooting itself, did the three of

14 you ever discuss any kind of tactical plan for how to

15 approach Mr. Llamas, and what to do if he ever took the

16 gun away from his head, or pointed it in a particular

17 direction? Anything like that?

18 A. The only tactical -- a lot of these things come

19 down to training with high-risk suspects, so a lot of

20 this is already predesignated, in some respect. But

21 what's not predesignated is establishing who is going to

22 provide lethal force if it becomes necessary; and we

23 want to make sure we make those designations very clear.

24 Q. During that time that I just asked about, did

25 any of the three of you have any discussion regarding

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1 the fact that there were possibly occupants on the  
2 property at that time, potentially in some position to  
3 the west of where Mr. Llamas ultimately fell down and  
4 was shot?

5 A. You mean during the time we were on the road,  
6 itself, on River Road?

7 Q. Yes, or immediately before or after.

8 A. After -- before or after the shots were fired?

9 Q. Before or after, while you were positioned on  
10 the road there to the west, watching Mr. Llamas cross  
11 the road to the north?

12 A. I don't recall any of the discussion talking  
13 about the -- in detail, the actual residents being  
14 inside a home over there.

15 Q. And I guess I remember you saying earlier that  
16 maybe an hour or an hour and a half before the shooting,  
17 you had received some information from a deputy, you  
18 couldn't remember who, that he believed there were a  
19 couple of occupants in a structure that was essentially  
20 to the west of where Mr. Llamas ended up; correct?

21 A. Correct.

22 Q. And I guess I'm wondering, was there ever any  
23 discussion by or among the three of you, yourself and  
24 deputies Hubachek and McGuire, regarding those residents  
25 and any time thereafter, before the shots were fired?



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1           A.    I don't recall a conversation related to that  
2    in that moment on the street. But I did allude to,  
3    earlier that day, Deputy McGuire might have been the one  
4    who gave me the information of the occupants being home  
5    about an hour, hour and a half earlier.

6           Q.    Okay. But there wasn't, for example, any  
7    conversation or discussion as Mr. Llamas is proceeding  
8    north, either crossing River Road or going on to the  
9    property at 22240, where any of you said anything like,  
10   "Oh, well, we've got to watch out because there might be  
11   two occupants on that property," or anything like that?

12          A.    Not at that moment, other than after the shots  
13   were fired.

14          Q.    And there wasn't -- before any of the shots  
15   were fired -- any discussion of, "Given that there are  
16   these occupants who were seen on the property an hour or  
17   an hour and a half ago, if Mr. Llamas turns left or  
18   points the gun to the west, we've got to shoot him or do  
19   anything in particular in response to that, because it  
20   might be threatening some occupants of the property"?

21          A.    I don't recall us having that conversation just  
22   prior to.

23          Q.    Okay. Would you say that you had, in the 30 to  
24   45 minutes before the shots were fired, any kind of --  
25   anything that you would consider to be a tactical

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1 discussion with the other deputies pertaining to these  
2 potential occupants on the property?

3 A. We had a tactical discussion 30 to 45 minutes,  
4 even an hour, about setting containment, and then we  
5 always know from our experience that breaking any -- any  
6 time suspect breaks containment lines, that now they're  
7 dealing with dwellings that are potentially occupied or  
8 inhabited, hadn't been evacuated.

9 So that is -- again, that's a thing we train  
10 and train often, is that we try to keep them within our  
11 containment lines because of the risk once they're  
12 outside containment.

13 Q. But this particular property or the suspected  
14 occupants of that property were not part of that  
15 discussion; correct?

16 A. No. Not except for that 60 minutes to 90  
17 minutes earlier where it was discussed that people would  
18 be on the property -- or were.

19 Q. Okay. I just have a few questions sort of  
20 about your training that I'll shift you away from this  
21 particular incident itself.

22 We talked a little bit earlier about how you  
23 went to the police academy. I take it you received  
24 training in the academy?

25 A. Yes, sir.

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1 Q. And then did you receive additional training  
2 after graduating from the academy, while you were at the  
3 Riverside Sheriff's Department as a sworn deputy?

4 A. I did.

5 Q. Did that include field training?

6 A. It did.

7 Q. Did you have a field training officer assigned  
8 to you for a period of time?

9 A. Several, I did.

10 Q. For how long of a period of time was it that  
11 you had field training officers assigned to you?

12 A. About 12 to 13 weeks.

13 Q. And then did you continue to receive additional  
14 training from the Riverside Sheriff's Department after  
15 completing your field training with the assigned field  
16 training officers?

17 A. Yes.

18 Q. And was that continued training essentially  
19 ongoing throughout your career at the Riverside  
20 Sheriff's Department?

21 A. Yes, sir.

22 Q. Between all that training that we've just  
23 discussed, did you receive training from the Riverside  
24 Sheriff's Department on the use of deadly force?

25 A. Yes.

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1 Q. Were you trained that deadly force is the  
2 highest level of force that officers can use or  
3 deputies?

4 A. Yes, sir.

5 Q. Were you trained that deadly force can only be  
6 used to defend against an imminent or immediate threat  
7 of death or serious bodily harm?

8 A. Yes -- generally, yes, for law enforcement and  
9 innocent people.

10 Q. Is that what you meant by "generally"?

11 A. Yes, human life. Human life.

12 Q. Were you trained that deputies are responsible  
13 to justify each shot they fire when using deadly force?

14 A. Yes.

15 Q. Were you trained that deputies need to assess,  
16 as best they can in between shots or volleys, the need  
17 for continued force?

18 A. Yes.

19 MR. RAMIREZ: Object as vague and ambiguous,  
20 the term "assess."

21 But you may respond.

22 THE WITNESS: Yes.

23 BY MR. LEVINE:

24 Q. Were you trained that deputies are required to  
25 issue a verbal warning prior to using deadly force, if

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1 feasible?

2 A. If feasible and prudent, yes.

3 Q. Is "prudent" separate from "feasible," in your  
4 mind?

5 A. No, sir, a little more detail.

6 Q. Are those kind of two synonyms, as far as you  
7 think of them?

8 A. Yes.

9 Q. Okay. Were you -- was part of your training  
10 that -- or -- the reason or at least the main reason for  
11 why deputies should issue a verbal warning before  
12 shooting, is to give the suspect or subject a final  
13 opportunity to comply before deadly force is used  
14 against them?

15 MR. RAMIREZ: Object to the term "final  
16 opportunity."

17 But if you understand, you may respond.

18 THE WITNESS: If feasible -- if feasible, yes,  
19 they -- in the hopes of surrender, a peaceful surrender.

20 BY MR. LEVINE:

21 Q. Were you trained that where a warning is given,  
22 prior to using deadly force, the subject or suspect  
23 should be given an opportunity to comply with that  
24 warning before deadly force is used, if feasible?

25 A. If feasible, yes.

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1 Q. Were you trained that it is justifiable to use  
2 deadly force against somebody just for having a gun in  
3 their hand, based on that fact alone?

4 MR. RAMIREZ: Objection. Incomplete  
5 hypothetical. Lacks foundation. Assumes facts not in  
6 evidence.

7 But you may respond, if you can.

8 THE WITNESS: Based on a lot of circumstances.  
9 You can be in a 10 by 15 room with a subject with a  
10 firearm and you're in grave danger. You could be in open  
11 space or 100 yards away with a subject with a firearm in  
12 his hand and it might be a different set of  
13 circumstances.

14 BY MR. LEVINE:

15 Q. So you were trained that there are some  
16 circumstances where, based only the fact of a subject  
17 holding a gun in their hand alone, you can shoot them?

18 MR. RAMIREZ: Incomplete hypothetical.  
19 Misstates his testimony. Lacks foundation.

20 But you may respond, if you can.

21 THE WITNESS: The environment that's occurring  
22 in is crucial to that decision.

23 BY MR. LEVINE:

24 Q. Right. I understand that there -- you know,  
25 there might often be other factors in play and various

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1 situations. I'm just asking about your training and  
2 whether you were ever trained that if you see someone  
3 with a gun in their hand, go ahead and shoot them,  
4 that's enough?

5 A. Not necessarily.

6 Q. And you say "Not necessarily," you mean there  
7 would need to be more than that?

8 A. The totality of circumstances, more than just  
9 possessing a firearm. Possessing a firearm, again, at  
10 100 yards in an open space, it might not warrant lethal  
11 force yet.

12 Q. Okay.

13 A. Might not. It's hard to get away from the  
14 details surrounding someone in mere possession. There's  
15 always more to it than that.

16 Q. And so given that there are more details, you  
17 were not trained that just this one thing, without any  
18 other details being present or given to you is enough to  
19 shoot standing alone; correct? You were not trained  
20 that?

21 A. We're not trained that. Totality of the  
22 circumstances is what we're trained. All details.

23 Q. And then similarly, I -- were you trained that  
24 if you have somebody who's holding a gun to their own  
25 head, that fact alone is enough to shoot them?

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1 MR. RAMIREZ: Incomplete hypothetical. Lacks  
2 foundation. Assumes facts not in evidence.

3 But you may respond, if you can.

4 THE WITNESS: That's situational dependent. If  
5 the subject's holding a firearm to his head in a 10 by 15  
6 room and you just walked into it, because you had to do a  
7 rescue of some sort, or someone 100 yards away from you  
8 in an open space with a firearm and you have cover  
9 between you and the subject. Again, different set of  
10 circumstances.

11 BY MR. LEVINE:

12 Q. So where you trained there are some  
13 circumstances where, depending how close you are to  
14 them, if they've got a gun to their own head, you can go  
15 ahead and fire? Is that what you're --

16 (Simultaneous speakers.)

17 (Reporter clarification.)

18 A. There are circumstances based on distance,  
19 proximity, third-party presence, that it may warrant  
20 lethal force.

21 Q. Right. And you know, I'm not -- we're not --  
22 I'm not talking about any third parties being present  
23 here. I'm just asking whether you were trained that,  
24 based on that fact standing alone, without anything else  
25 going on, that you can shoot somebody for holding a gun



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1 to their own head?

2 A. Not necessarily.

3 Q. Okay. So that wasn't training that you were  
4 provided? No trainer ever said to you, "Deputy Walsh,  
5 if you see someone holding a gun to their head and  
6 that's all you got, go ahead and shoot them"?

7 A. You're correct, sir. No trainer did that.

8 Q. Okay. And then have you -- you received  
9 training regarding tactics, as well?

10 A. Yes, sir.

11 Q. Did that include training on communication with  
12 other deputies during operations?

13 A. Yes.

14 Q. And did it include training on the use of cover  
15 and concealment, as well?

16 A. Yes.

17 Q. Is part of that training to take cover, if you  
18 can, if someone poses a potential deadly threat toward  
19 you?

20 MR. RAMIREZ: Objection. Incomplete  
21 hypothetical lacks foundation. Assumes facts not in  
22 evidence.

23 But you may respond, if you can.

24 THE WITNESS: Depending on the circumstances  
25 and the availability of cover and it's proximity to you.

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1 BY MR. LEVINE:

2 Q. I guess I'm just more generally wondering were  
3 you trained on using cover, when possible, if you're  
4 faced with a deadly threat? Was that a subject of your  
5 training?

6 MR. RAMIREZ: Same objection.

7 But you may respond.

8 THE WITNESS: If you can sir, yes.

9 BY MR. LEVINE:

10 Q. Okay. So you were trained that if you can use  
11 cover when faced with a deadly threat, you should use  
12 cover? Is that what you're saying?

13 A. If you can, and if it's feasible.

14 Q. Did -- at the time of the -- well, I'll scratch  
15 that.

16 MR. LEVINE: I think that's all I have for  
17 right now, in terms of my question.

18 And I will turn it over to Larry, in case Larry  
19 has any questions for you.

20 MR. MARKS: I have a few.

21 EXAMINATION

22 BY MR. MARKS:

23 Q. First of all, good afternoon. I just have a  
24 couple questions to follow-up with you.

25 I think you said earlier that there was a

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1 those designated roles was when we actually got onto  
2 River Road. There was a designation there.

3 Now, that was just from my position the  
4 designation took place. But you also had deputies and  
5 personnel to the east of the driveway where the subject  
6 appeared from, and what their designations were there, I  
7 don't know.

8 Q. Okay. So let's talk about you and your group.  
9 That was -- who was part of your group when you -- when  
10 you decided about the designations at that time?

11 A. Deputy McGuire and Sergeant Hubachek.

12 Q. And who made the decision as to the  
13 designations for the three of you?

14 A. I did.

15 Q. What were the specific designations between the  
16 three of you?

17 A. That they were responsible for lethal coverage,  
18 Sergeant Hubachek and Deputy McGuire, and I would take  
19 more -- take an active role in leading the group, and  
20 then if -- deploying less lethal, if necessary, and  
21 providing verbal commands to the subject.

22 Q. When you say "less lethal," at the time that  
23 the shots were fired, you were holding lethal weapon;  
24 correct?

25 A. Sure was.

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1 Q. Was there ever a time you were holding a less  
2 lethal weapon?

3 A. It was in my vehicle, and I had less lethal on  
4 my person.

5 Q. And when you say that the designation was for  
6 lethal cover, what does that mean?

7 A. So if lethal force needed to be used or it  
8 became necessary, the ones that are designated or -- and  
9 they're in a position to do so, they're the ones that  
10 would apply it as the designated folks for that  
11 assignment, for that task.

12 Q. If there was only three of you there, why would  
13 you designate lethal cover to two of them and not keep  
14 lethal cover for yourself, as well?

15 A. I can use them to protect myself based on my  
16 positioning.

17 Q. Okay. At the time of the initial volley of  
18 shots, the three of you were essentially lined up  
19 together; correct?

20 A. Yes.

21 Q. Fair to say that not one of you had a better  
22 view of Mr. Llamas at the time of the first volley of  
23 shots?

24 A. I would say that Sergeant Hubachek and Deputy  
25 McGuire probably had the better view because they were

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1 Q. And how long would you have waited to find out  
2 if they were going to actually use lethal force before  
3 you, yourself, did?

4 MR. RAMIREZ: Calls for speculation. Lacks  
5 foundation. Assumes facts not in evidence.

6 But you may respond.

7 THE WITNESS: Not very long, sir.

8 BY MR. MARKS:

9 Q. I wouldn't think so.

10 The first volley of shots, can you tell me how  
11 many shots in total there were?

12 A. In that first volley, total, again I believe it  
13 was anywhere from three to five.

14 Q. Do you know how many of those three to five  
15 actually hit Mr. Llamas?

16 A. I do not.

17 Q. Do you know where on Mr. Llamas's body any of  
18 those shots hit?

19 A. After making contact with him?

20 Q. At any time, whenever you might have learned?

21 A. After making contact, I could see what I  
22 believed were two impacts, but there could be exit --  
23 they could be exits at the same time.

24 Q. Where were the -- where do you believe -- after  
25 leaving the scene, where do you believe that the first

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1 volley of shots struck Mr. Llamas?

2 A. One was towards his hip or his buttocks, and  
3 one was, I believe, in his -- just below his nose.  
4 Somewhere in his face.

5 Q. You believe that the first volley of shots hit  
6 him in the face?

7 A. Based on the way he was moving after the first  
8 volley, I would -- deductive reasoning says no, he was  
9 not hit in the face after the first volley.

10 Q. Okay. So you think that the first volley would  
11 have only hit him in the hip or butt?

12 A. That's my belief, yes.

13 Q. Okay. And I guess I want to understand what  
14 you mean by "the hip or the butt." Are you saying it  
15 would be somewhere forward on the front side of his  
16 body, the side of his body, or the back part of his  
17 body?

18 A. Kind of like a portion of the side and back,  
19 not necessarily the front. But again, it could have  
20 been an exit and I just didn't locate the entrance.

21 Q. And I think you said that you saw Mr. Llamas go  
22 down to the ground after the first round of shots?

23 A. Yes, sir.

24 Q. And you were able to continue to see Mr. Llamas  
25 holding his gun after the first volley of shots?

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1 looking at a clock and 12:00 o'clock would be looking  
2 straight ahead, I think you said that his head was aimed  
3 more towards about 9:00 or 10:00 o'clock, for the first  
4 volley?

5 A. Is this while he's -- so 12:00 o'clock being  
6 north?

7 Q. Correct.

8 A. And so -- and are you speaking when he fell to  
9 the ground?

10 Q. No. I'm talking about a millisecond before the  
11 first shots were fired. I think you said -- and you can  
12 correct me if I'm wrong -- that immediately before the  
13 first volley of shots, Mr. Llamas's head was looking in  
14 the direction of, say, 9:00 or 10:00 o'clock?

15 A. Yes, sir.

16 Q. And at that moment where his head was looking  
17 at between 9:00 and 10:00 o'clock, could you see any  
18 portion of Mr. Llamas's chest, or could you only see his  
19 back?

20 A. I could see more or less his -- maybe a profile  
21 of his chest or his torso, where you're capturing, like,  
22 his left shoulder, a portion of his back, and maybe just  
23 a portion of his chest.

24 Q. So in other words, you would see, essentially,  
25 his left shoulder?

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1 A. Left shoulder.

2 Q. Assuming that he was not wearing a shirt, fair  
3 to say you would not be able to see either of his  
4 nipples?

5 A. Fair to say.

6 Q. And at that time immediately prior to the first  
7 volley of shots, Mr. Llamas was moving in a northbound  
8 direction; is that right?

9 A. Yes, sir.

10 Q. He was not moving towards the residence, was  
11 he?

12 A. His hips and his leg were driving him north,  
13 but his torso was turning to the left and back to our  
14 clock analogy, turning towards the 10:00 and 9:00  
15 o'clock position, when the residence was towards the  
16 9:00 and 10:00 o'clock position.

17 Q. But even though his head was looking towards  
18 the 9:00 or 10:00 o'clock position, he was still running  
19 in a 12:00 o'clock direction; correct?

20 A. Still running in a 12:00 clock direction, but  
21 his torso and head were 9:00 and 10:00.

22 Q. Gotcha.

23 Can you tell me approximately the distance  
24 between Mr. Llamas and that residence at the time of the  
25 first shot?



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1 A. This would be just an estimate.

2 Q. Sure.

3 A. 30 yards, maybe.

4 Q. So the distance between Mr. Llamas and the  
5 residence was less than the distance between you and  
6 Mr. Llamas at the time of the first shots?

7 A. Yes, sir, approximately. Approximately.

8 Q. Okay. I want to ask you a couple questions  
9 about the shooting of the canine. Fair to say that you  
10 did not see Mr. Llamas at the time the shot was fired  
11 that hit the canine?

12 A. That's correct, sir.

13 Q. Fair to say you don't know what Mr. Llamas was  
14 aiming at when the canine was shot?

15 A. That's correct, sir.

16 Q. Fair to say you do not know how close the  
17 canine ever got to Mr. Llamas?

18 A. That's correct, sir.

19 Q. Fair to say you do not know the distance  
20 between Mr. Llamas and the canine at the time of the  
21 shooting of the canine?

22 A. That's correct.

23 Q. When did you learn that the canine had actually  
24 been shot?

25 A. I knew the canine had entered a brush line, and

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1 then shortly thereafter was the gunshot. And when I  
2 asked the handler had he attempted to recall his dog, he  
3 said he already did. And the belief was the dog was  
4 shot.

5 Q. When did you learn, in fact, the dog had been  
6 hit?

7 A. With gunfire?

8 Q. Yes, sir.

9 A. It wasn't until -- well, I don't know if you  
10 could say it's factual, because the dog wouldn't return.

11 Q. Well, there could be other reasons the dog  
12 didn't return, right?

13 A. There could be.

14 Q. Let me ask you a little differently. Did you  
15 know that the dog had been shot before the first round  
16 of shots towards Mr. Llamas?

17 A. Suspected of being shot? I don't recall having  
18 direct knowledge like the handler. But at some point,  
19 the handler went in the brush and grabbed him. I don't  
20 know when that occurred and when the rapport was related  
21 to the first shooting we had -- first volley. I'm  
22 sorry.

23 Q. Is it your best recollection that you learned  
24 that the canine had been actually shot prior to the  
25 first round of shots at Mr. Llamas?

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1 BY MR. MARKS:

2 Q. That's just the second round I'm talking about.

3 A. Oh, you mean in total?

4 Q. No. I'm only talking about the second volley  
5 of shots. I wanted to know how many each of the  
6 deputies shot?

7 A. Oh. I'm not sure Sergeant Hubachek engaged in  
8 a second volley. It might have been just Deputy  
9 McGuire, and it was anywhere from two to four.

10 Q. At the time of the second round of shots, did  
11 you consider firing, yourself?

12 A. At the -- yes.

13 Q. And the reason you did not fire is because one  
14 of the other deputies already did; is that right?

15 A. That is right, sir.

16 Q. Did you ever ask Deputy McGuire why he fired  
17 the second round -- or the second volley?

18 A. I did not.

19 Q. Did you ever ask Deputy Hubachek why he did not  
20 fire the second volley?

21 A. I did not.

22 Q. Do you have an understanding as to where  
23 Mr. Llamas was hit with the second volley?

24 A. My assumption would be that he was struck in  
25 the face on the second volley.

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1 STATE OF CALIFORNIA)  
 ) ss:  
2 COUNTY OF BUTTE )

3  
4 I, KIMBERLY E. D'URSO, do hereby certify:

5 That the witness named in the foregoing  
6 deposition was present remotely and duly sworn to testify  
7 to the truth in the within-entitled action on the day and  
8 date and at the time and place therein specified;

9 That the testimony of said witness was reported  
10 by me in shorthand and was thereafter transcribed through  
11 computer-aided transcription;

12 That the foregoing constitutes a full, true and  
13 correct transcript of said deposition and of the  
14 proceedings which took place;

15 Further, that if the foregoing pertains to the  
16 original transcript of a deposition in a federal case,  
17 before completion of the proceedings, review of the  
18 transcript [ ] was [ ] was not requested.

19 That I am a certified stenographic reporter and  
20 a disinterested person to the said action;

21 IN WITNESS WHEREOF, I have hereunder subscribed  
22 my hand this 28th day of March, 2025.

23   
\_\_\_\_\_

24 KIMBERLY D'URSO, CSR NO. 11372, RPR

25



